

REMARKS

This amendment is responsive to the examiner's action mailed January 11, 2006. Reconsideration is respectfully requested in view of the remarks and amendments herein.

Claims 1-62 are pending in the application.

Of these, claims 1-18, 24-35, 36, 38, 40-48 and 52-54 have been cancelled (comprising groups I and III of the restriction requirement of May 19, 2004).

Claims 19-23, 37, 39, 49-51 and 55-61 have been indicated as allowable.

Claims 62-67 are herein added.

Claims 19, 37 and 39 are independent.

The present Office Action rejects claims 19, 37, 39, 49-51 and 55-61. However, these claims were indicated as allowable in the Notice of Allowability of November 8, 2004. Specifically, the Office Action rejects claims 19, 37, 39, 49-51 and 55-59 under 35 U.S.C. 103(a) based on Hicks (U.S. Patent No. 5,943,677) and Petculescu (U.S. Patent No. 6,493,718). The response of March 3, 2004 had already been deemed to overcome Hicks '677 and Petculescu '718 with respect to claims 19, 37 and 39. Claims 49-51 and 55-59 had been added to depend from the allowed claims, thus further narrowing the scope. Claims 60 and 61 recite a "single database fetch", which became the basis for a restriction requirement. For the reasons stated below, Applicant submits that the rejection of claims 60 and 61 is improper because the Office Action purports to use the "single database fetch" element as a distinguishing feature requiring restriction and also as an obvious variant of the restricted claim groups.

A brief history of the case may prove beneficial. Claims 19-23, 37 and 39 were indicated as allowable in the Office Action of October 3, 2003, responsive to the RCE of September 11, 2003. Smith (U.S. Patent No. 5,404,510) was also newly cited with respect to claims 1, 24, 36, 38 and 40 in the Office Action of October 3, 2003. A subsequent notice of Allowability (November 8, 2004)

indicates allowance of present claims 19-23, 37, 39, 49-51 and 55-61, in view of the Smith reference. Accordingly, the previously filed response (Of March 3, 2004) is deemed to overcome the Smith reference '510. Therefore, if the Examiner is unpersuaded by the remarks below, it is respectfully requested that the applicant be permitted to further address the Smith '510 reference before any subsequent rejection of claims 19, 37, 39, 49-51 and 55-61 is made final.

The Notice of Allowability dated November 8, 2004 indicates Allowability of claims 19-23, 37, 39, 49-51 and 55-61. This notice of Allowability was issued in response to the amendment of March 3, 2003, addressing the Smith '510, Hicks '677 and Petculescu '718 references, and the restriction requirement response of July 19, 2004. Applicant is unclear why Smith, Hicks, and Petculescu are again cited against claims 19, 37, 39, 49-51 and 55-61, particularly with respect to the "single fetch operation" of Smith employed in the restriction requirement (May 19, 2004) as a basis for restricting out pending claims 1-18, 36, 38, 40-48 and 52-54.

Smith '510 was cited for the proposition of a "single fetch operation." The Restriction Requirement clearly restricted nonelected claim set I on the basis of a "single fetch operation" (made final at page 3 of the present office action). Accordingly, the present claim set II is deemed distinct from Smith '510 based on this restriction of claim set I. Yet the present office action cites a 103(a) rejection of claims 19-23, 37, 39, 49-51 and 55-61 in claim set II, already deemed a nonobvious variant of claim set I in view of the restriction requirement. Such a 103(a) rejection of claims in claim set II is not proper because to do so would suggest that claim set II is an obvious variant of claim set 1. Obvious variants of an invention are not subject to a restriction requirement (MPEP 806.05(j)).

Further, Smith '510 discloses storing adjacent tables and indices together to facilitate retrieval (15:67-16:2). Smith does not show, teach, or disclose storing associated data values adjacent on a storage medium. Indices are metadata that describe and/or specify locations and types of data. In other words, metadata is commonly referred to as "data about the data." In Smith '510,

the relation capitalized on is a data-metadata relationship. In contrast, the claimed method stores data according to a dimensional relationship of adjacent or proximate data values according to a particular hierarchical dimension of a multidimensional database, thus "storing the data values on a storage medium in proximity to associated data values, wherein the associated data values are assigned to associated attributes as indicated by the hierarchy," as recited in claims 19, 37 and 39. Thus, Smith '510 teaches storing according to metadata/data relationships, while the claimed invention looks to the substantive data hierarchy to determine relationships. Such related values may therefore be stored "adjacent to corresponding sparse data values in a sparse matrix represented in the multidimensional database", and "adjacent [to] values corresponding to a common dimension of the multidimensional database." Accordingly, claims 62-67 have been herein added, respectively to clarify this distinction, discussed more fully at page 3, line 28- page 4:1 and at 12:28-13:8 of the specification as filed.

As the remaining claims depend, either directly or indirectly from claims 19, 37 and 39, which by the foregoing are deemed allowable, it is respectfully submitted that all claims in the case are now allowable.

Applicant(s) hereby petition(s) for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,



Christopher J. Lutz, Esq.
Attorney for Applicant(s)
Registration No.: 44,883
Chapin Intellectual Property Law, LLC
Westborough Office Park
1700 West Park Drive
Westborough, Massachusetts 01581
Telephone: (508) 616-9660
Facsimile: (508) 616-9661

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